

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS JUNE 17, 2003 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Vivian Rojas and Anthony Cobos. Absent: None. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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*Motion made, seconded and unanimously carried to delete the request to speak at the City Council Meeting referenced to bidding and rating procedures for the Household Hazardous Waste Collection. [Kenneth B. Mottley, Jr.]

.....
No action was taken on the following item: I want the Council to consider and recommend taxi rates to increase 18% and \$10.00 minimum charge from the El Paso International Airport to remain the same, and \$5.00 more on trips to Juarez, Mexico. [Ishmael P. Estrada]

MAYOR'S PROCLAMATIONS

1. ***Dr. Gaudiosa Ruby Day***
2. ***State National Bank Appreciation Day***
3. ***Safe Fireworks Months***
4. ***Homeownership Month in El Paso***
5. ***Juneteenth***

.....
Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

.....
*Motion made, seconded and unanimously carried to delete the request to speak at the City Council Meeting referenced to bidding and rating procedures for the Household Hazardous Waste Collection.

.....
No action was taken on the following item: I want the Council to consider and recommend taxi rates to increase 18% and \$10.00 minimum charge from the El Paso International Airport to remain the same, and \$5.00 more on trips to Juarez, Mexico.

Mr. Ishmael P. Estrada, cab driver, gave the particulars of his request and mentioned a Legislative Review Committee from three (3) years ago where the \$10.00 minimum charge from the Airport to hotels was set.

Representative Cook explained the outcome and pointed out that the decision back then was based on unfairness to travelers who take a cab to go to a hotel that is just down the block and recommended that it go back to Legislative Review.

Mr. Pat Abeln, Aviation Director, agreed with Representative Cook's explanation on the outcome of the meeting from three (3) years ago and mentioned that EPIA conducted a survey of other cities on their taxi rates from the airport.

Representative Austin requested to keep in mind not only travelers but also those from the disabled community who take cabs to go to doctor appointments.

Mr. Estrada mentioned that taxi drivers are an important source since they are the first ones to greet and guide the tourists, and he thanked Council for their attention to the matter.

Representative Lozano invited Mr. Estrada to volunteer as a board member of the Greater El Paso Civic, Convention and Tourism Advisory Board in order to represent the taxi cab industry because of their direct and first contact to tourists visiting the City of El Paso.

.....
*Motion made, seconded and unanimously carried to approve the Minutes for Legislative Review Committee of the Whole of November 14, 2002 and Regular City Council Meeting of July 16, 2002.
.....

*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution adopting the Rules of Order for City Council meetings.
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.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an application to cross a portion of El Paso County Water Improvement District No. 1 property known as the Mesa Drain, for the project known as "Mesa Drain Bike Trail Improvements", such application is to include an application fee of \$1,000.00; and that the Mayor be authorized to submit to the El Paso County Water Improvement District No. 1 an additional \$500.00 fee for surveying costs related to this project. Total cost to the City is ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00).

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Temporary Use Agreement between the City of El Paso, Texas ("Lessor") and Continental Airlines, Inc. ("Lessee") for 553 square feet of space located in the Lower East Rotunda of the El Paso International Airport Terminal Building municipally known and numbered as 6701 Convair Road, City of El Paso, El Paso County, Texas.
.....

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to sign an Estoppel Certificate for Wells Fargo Bank, N.A. in connection with the Butterfield Trail Industrial Park Lease dated November 1, 1991 between the City of El Paso, Texas ("Lessor"), and Marvin L. Oates, as Trustee of the Marvin L. Oates Trust and Mueller Capitol Plaza – Sacramento, A Hawaii limited partnership, tenants in-common ("Lessee"), as covering the following property:

Lot 3, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A" municipally known and numbered as #20 Zane Grey.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to sign an Estoppel Certificate for the Wells Fargo Bank, N.A., in connection with the Butterfield Trail Industrial Park Lease dated November 1, 1991 between the City of El Paso, Texas ("Lessor"), and Marvin L. Oates, as Trustee of the Marvin L. Oates Trust, Wayne Windle, Katherine Alday, and Mueller Capitol Plaza – Sacramento, a Hawaii limited partnership, as tenants in-common ("Lessee"), covering the following property:

Lot 3, 4 and 5, Block 3, Butterfield Trail Industrial Park, Unit One, Replat "A", and Lot 2, Block 3, Butterfield Trail Industrial Park Unit One Replat "C", municipally known and numbered as #5, 7, 9, and 11 Founders.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to sign an Estoppel Certificate for Wells Fargo Bank, N.A. in connection with the Butterfield Trail Industrial Park Lease dated November 1, 1991 between the City of El Paso, Texas ("Lessor"), and Marvin L. Oates, as Trustee of the Marvin L. Oates Trust and Mueller Capitol Plaza – Sacramento, A Hawaii limited partnership, as tenants in-common ("Lessee") covering the following property:

Lots 4, 5 and 6, Block 7, Butterfield Trail Industrial Park, Unit One, Replat "A" municipally known and numbered as #16 Zane Grey and Lot 1, Block 12, Butterfield Trail Industrial Park, Unit Two, municipally known and numbered as #21 Butterfield Trail.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Request submitted on June 12, 2003, by Border Network for Human Rights/ Fernando Garcia for a walk from San Antonio St. to San Jacinto Plaza beginning at 6:00 p.m. and continuing until 8:00 p.m. on June 13, 2003.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Placing condemnation liens on the following properties (legal descriptions on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

9300 Carranza Drive	\$3,494.95	Ruben Arroyo
3831 Mountain Avenue	\$3,794.05	Michael and Beth Manwaring

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8232 McElroy Avenue	\$6,869.94	Maria Baxley, Executrix of the Estate of Angelica Reyes
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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to sign the Release of Liens on the properties (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these condemnation liens:

Lien Amount

3319 Alameda Avenue	\$2,904.58
3323 Alameda Avenue	\$6,164.18

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total</u>
3319 Alameda	\$56.90	\$46.72	\$103.64
3319 Alameda	\$114.75	\$49.02	\$163.77

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total</u>
3323 Alameda	\$233.82	\$195.24	\$429.06
3323 Alameda	\$106.09	\$37.35	\$143.44

.....
 Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the City Council hereby establishes Just Compensation and approves an offer of Just Compensation as follows for the following property which is proposed to be acquired for the San Juan Parking Lot Acquisition Project under the Twenty-seventh Year (2001-2002) Community Development Program:

Parcel 2: Lots 25 & 26, 8 HUGHES Subdivision of BLOCK 2 ALAMEDA ACRES, according to the plat thereof on file in Volume 13, Page 16, Real Property Records of EL PASO County, Texas
 Value: \$13,500.00

And that the Mayor be authorized to sign a Contract of Sale in the above amount with the respective property owner.

Ms. Nathalie Prise, Community Development, explained the particulars of the Resolution.

Representative Lozano questioned if a map of the location was available for public view and when the project was starting.

Ms. Prise responded that the design is underway, then it will go out for bid, then construction could begin.

Representative Lozano expressed his discontent with this center being the only one that has parking all over the neighborhood instead of right next to the center, very inconvenient to the senior citizens.

Ms. Prise explained that Community Development would continue to research parking options.

.....
 *RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Sixteen Thousand Two Hundred Fifty And No/100ths Dollars (\$16,250.00 - \$13,965 loan/\$2,205 grant) against the following described real property:

Lot 15, Block 18, Womble Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 32, Plat Records of El Paso County, Texas; also known and numbered as 6270 E. Yandell, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Forty Nine And 34/100ths Dollars (\$49.34).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Liens whereby the City releases its liens in the amount of Three Hundred Four Thousand Five Hundred And No/100ths Dollars (\$ 304,500.00 - \$126,000 loan/\$178,500 grant) and in the amount of Four Thousand Seven Hundred Twenty-Five And No/100ths Dollars (\$4,725.00 loan) against the following described real property:

Lots 6, 7, 8, 9 and the South 1 foot of Lot 10, Block 101, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, also known and numbered as 609 South Oregon Street, El Paso, Texas 79901.

for consideration paid to the City in full satisfaction of those certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loans for the amount of Fifteen And 90/100ths Dollars (\$15.90).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Thirteen Thousand And No/100ths Dollars (\$13,000.00 - \$12,015 loan/\$985 grant) against the following described real property:

Tract 222, Del Norte Heights Unit No. II, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 8, Page 58, Plat Records of El Paso County, Texas; also known and numbered as 1123 Cuba Dr., El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Twenty-Nine And 30/100ths Dollars (\$129.30).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Six Thousand Eight Hundred And No/100ths Dollars (\$6,800.00 - \$6160 loan/\$640 grant) against the following described real property:

Lot 5, and the South 1 foot of Lot 4, Block 2, Pasadena Addition No. 2, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 15, Page 47, Plat Records of El Paso County, Texas; also known and numbered as 411 Dolan, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Fifty Six And 77/100ths Dollars (\$56.77).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eight Thousand Three Hundred And No/100ths Dollars (\$ 8,300.00 - \$7,650 loan/\$980 grant) against the following described real property:

Lot 36, Del Norte Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to plat thereof recorded in Volume 8, Page 56, Plat Records of El Paso County, Texas; also known and numbered as 1111 Del Rio Street, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Fifty-Four And 81/100ths Dollars (\$154.81).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Nine Thousand Five Hundred And No/100ths Dollars (\$9,500.00 - \$8,060 loan/\$1,440 grant) against the following described real property:

Lot 9, Block 3, Hacienda Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Book 12, Page 11, Plat Records of El Paso County, Texas; also known and numbered as 7532 Adobe, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Forty And 87/100ths Dollars (\$40.87).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-057-1, City of El Paso Concentration Account:

GROUP 1 Robert E. Blackwood, Acting Comptroller
 Frank Keton, Accountant IV
 Debra Tombosky, Accountant III

GROUP 2 Richarda Duffy Momsen, Municipal Clerk
 Diana Nuñez, Deputy City Clerk
 David Almonte, Director, Office of Management & Budget

GROUP 3 Joe Wardy, Mayor
 Anthony W. Cobos, Mayor Pro Tempore
 Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 7206-109-417-3, City of El Paso Employee Health Benefits Account:

GROUP 1	Robert E. Blackwood, Acting Comptroller Frank Keton, Accountant IV Debra Tombosky, Accountant III
GROUP 2	Richarda Duffy Momsen, Municipal Clerk Diana Nuñez, Deputy City Clerk David Almonte, Director, Office of Management & Budget
GROUP 3	Joe Wardy, Mayor Anthony W. Cobos, Mayor Pro Tempore Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-065-9, City of El Paso Payroll Account:

GROUP 1	Robert E. Blackwood, Acting Comptroller Frank Keton, Accountant IV Debra Tombosky, Accountant III
GROUP 2	Richarda Duffy Momsen, Municipal Clerk Diana Nuñez, Deputy City Clerk David Almonte, Director, Office of Management & Budget
GROUP 3	Joe Wardy, Mayor Anthony W. Cobos, Mayor Pro Tempore Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-093-001-0, City of El Paso Pension Payroll Account:

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

GROUP 1	Robert E. Blackwood, Acting Comptroller Frank Keton, Accountant IV Debra Tombosky, Accountant III
GROUP 2	Richarda Duffy Momsen, Municipal Clerk Juan Sandoval, Tax Assessor / Collector Lilia Worrell, Tax Deputy Administrator
GROUP 3	Joe Wardy, Mayor Anthony W. Cobos, Mayor Pro Tempore Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for these accounts which are hereby revoked.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

GROUP 1	Robert E. Blackwood, Acting Comptroller Frank Keton, Accountant IV Debra Tombosky, Accountant III
GROUP 2	Richarda Duffy Momsen, Municipal Clerk Juan F. Sandoval, Tax Assessor / Collector Lilia Worrell, Tax Deputy Administrator

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following individuals are designated as authorized signatories for JPMorgan Chase Bank, Account Number 1500-227-045-2, City of El Paso Workers' Compensation Account - Ward N.A. Administrators:

GROUP 2 Richarda Duffy Momsen, Municipal Clerk
Diana Nuñez, Deputy City Clerk
David Almonte, Director, Office of Management & Budget

GROUP 3

Joe Wardy, Mayor
Anthony W. Cobos, Mayor Pro Tempore
Paul J. Escobar, Deputy Mayor Pro Tempore

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, consistent with the November 24, 1992, Commission Agreement, as amended, between the City of El Paso and John Houser ("the Artist") and with Ordinance No. 13472, adopted by the City Council on January 20, 1997, the appointment of Gustavo Luján as the Artist's nominee to the Twelve Travelers Review Committee, replacing Dr. John Peterson, is hereby approved. As provided in Ordinance No. 13472, there is no limit on the period of time that the Artist's nominee may serve on the Review Committee.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Interlocal Agreement with the University of Texas at El Paso (UTEP) under which the Institute for Policy and Economic Development of UTEP shall provide economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessment services, all as requested by the Economic Development Department of the City. The Agreement shall be for a term of one year, subject to renewal on mutual agreement, with a maximum cost to the City of \$20,000 per year.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10692, 10693, and 10699 for irrigation water acres, in El Paso County, Texas.

Ms. Lisa Turner, citizen, requested an explanation.

Mr. Bob Andron, counsel for the El Paso Water Utilities Public Service Board provided backup information.

Representative Austin questioned whether the Water District had approved the agreements already.

Mr. Andron responded that they get approved by Council first and than they go to the Water District.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT, the following contract amendment and renewal with the Texas Department of Health:

Bureau of Laboratories-Bioterrorism Preparedness
Document No. 7460007499-2003, Attachment No. 14A

Representative Rojas requested an explanation.

Dr. Magaña, City/County Health and Environmental District Director, addressed Representative Rojas's issues explained the particulars of the equipment and the location of the lab at Tillman Health Center.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work:

One (1) acrylic on canvas painting by Patssi Valdez, **La Cocina**, 2002, 24" x 30", offered by the Patricia Correia Gallery, Santa Monica, California, for \$8,000.00. The purchase will be made possible with funds provided by the Lipscomb Endowment Fund.

NOTE: Resolution was revised.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work:

One (1) mixed media assemblage by Al Souza, ***Cogs and Wheels***, 2003, 72" x 84", offered by the Moody Gallery, Houston, Texas, for \$16,000.00. The purchase will be made possible with funds provided by the Lipscomb Endowment Fund.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOHN C. JACOBSON** to assist the El Paso International Airport Aviation Department as a Program Developer and Administrator at a biweekly rate of \$1,542.73 for 40 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of June 19, 2003 through September 30, 2003.

Representative Cushing requested an explanation as to the length of the contract.

Mr. Pat Abeln, Director of Aviation, explained that the contract was only for a few months because by then a Civil Service eligibility list would be available.

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to approve the above Resolution.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JAMES R. JACKSON**, to assist the Information Technology Department as a PC LAN Specialist I, at a biweekly rate of \$1,336.59, for 40 hours per week. The term of the contract shall be for the period of June 18, 2003 through June 17, 2005.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to amend a Contract between the **CITY OF EL PASO** and **SIGIFREDO MALDONADO** to allow for the accrual of vacation leave in accordance with the El Paso Civil Service Rules and Procedures.

Representative Cushing requested an explanation for adding this provision.

Ms. Terry Bond, Human Resources Director, explained that the clause pertaining to the vacation leave was inadvertently left out of the original contract.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **DEBI A. LOPEZ**, to assist the El Paso Public Library as a Library Information Specialist II, at an hourly rate of \$10.92, for up to 30 hours per week. The term of the contract shall be for the period of June 20, 2003 through June 19, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD A. GENEST**, to assist the Metropolitan Planning Organization, at an hourly rate of \$16.37, for 20 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of June 19, 2003 through June 18, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JESUS URIBE**, to assist the Police Department as a Crisis Response Team Case Manager, at an hourly rate of \$12.50, for 40 hours per week. The contract period is from July 1, 2003 through May 22, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ANNALISA HOLGUIN TUCKER**, to assist the Police Department as a Youth Initiative Program Coordinator, at a biweekly rate of \$1,346.15, for 40 hours per week. The contract period is from June 18, 2003 through December 24, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **MARGARET PETROZZA-MERAZ**, to assist the Police Department as a Research Assistant, at a biweekly rate of \$1,367.54, for 40 hours per week. The contract period is from June 18, 2003 through September 30, 2003.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **CINDY DURAN**, to assist the Police Department as a Crisis Response Team Case Manager, at an hourly rate of \$12.50, for 40 hours per week. The contract period is from July 1, 2003 through May 22, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council authorizes the Mayor to sign a local affiliate agreement between the Texas State Data Center Lead Agency, the Department of Rural Sociology at Texas A&M University, and the City of El Paso for the period of June 17, 2003 through December 31, 2005.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment with SOUTHWESTERN IRRIGATED COTTON GROWERS ASSOCIATION to lease the company One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with F.F.F.L.L.C. D/B/A SUBWAY to lease to the company One (1) 4 Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program. This Agreement is at no cost to the City.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of July, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5406 Joe Herrera Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 14, Block 31, Tobin Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in book 2, page 5, plat records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ingeburg Tejada, 5406 Joe Herrera Drive, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of July, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 410 S. Ochoa St., in El Paso, Texas, which property is more particularly described as:

Lot: 17, Block 141 Campbell Addition, an addition to the City of El Paso, El Paso County, Texas according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

According to the real property records of the County of El Paso, Texas, Narcisco and Josefina Trillo, 3220 Montana Ave., El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of July, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3718 Wickham Ave., in El Paso, Texas 79904, which property is more particularly described as:

Lots: 24 & 25, Block 74A, First Revised Plat of Logan Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof, recorded in Volume 12 page 1, Real Property records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Marta Martinez, 3718 Wickham Ave., El Paso, Texas 79904, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Buyer (1)

.....
*Motion made, seconded and unanimously carried to approve the request from Norma B. Rosales, of the Airport Department for Special Sick Leave.

.....
*Motion made, seconded and unanimously carried to appoint Tomas C. Balsiger to the Airport Board by Representative John Cook.

.....
*Motion made, seconded and unanimously carried to appoint Linda J. East to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative John Cook.

.....
*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light(s) at the following location(s):

1. Alley behind 208 E. Crosby Street.
2. Alley which runs through Walnut Street between Bassett and Texas Ave. Estimated cost is \$928.00.
3. Alley behind 1191 N. Cotton. Estimated cost is \$464.00.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- 14A.** PID #N425-999-0040-2100, \$433.67 per month installments on a balance of \$3,035.69 for 2002 taxes; Jaime & Jeannette Camacho – 4301 Loma De Brisas.
- 14B.** PID #S533-000-0210-2902, \$168.94 per month installments on a balance of \$6,081.84 for 1999, 2000, 2001 & 2002 taxes; Socorro Alvarado – 771 Trejo.
- 14C.** PID #X293-000-L00A-0160, \$603.56 per month installments on a balance of \$5,432.04 for 1996, 1997, 1998, 2001 & 2002 taxes; Cory's Truck Wash Inc. – 1111 Horizon.
- 14D.** PID #1996-999-0123-0034, \$274.17 per month installments on a balance of \$3,290.04 for 1998, 1999, 2000 & 2001 taxes; Central Towing & Automotive % Ralph Cena - 4315 Durazno.
- 14E.** PID #P654-999-0820-5500, \$290.63 per month installments on a balance of \$3,487.56 for 2001 & 2002 taxes; Francisco Jr. & Maria L. Valle – 3585 Red Sails Dr.
- 14F.** PID #W418-999-0050-2040, \$520.60 per month installments on a balance of \$7,809.00 for 2002 taxes; Lorenzo L. III & Mona L. Nava – 617 Shadow Willow.

- 14G.** PID #X315-999-0000-0130, \$1,639.13 per month installments on a balance of \$9,834.78 for 2002 taxes; P. Mullen Family LTD – 12290 Loma Verde.
- 14H.** PID #Y848-999-0000-0100, \$2,734.70 per month installments on a balance of \$30,081.70 for 2002 taxes; Ann M. Lilly – 9033 Billy the Kid.
- 14I.** PID #0822-000-4017-0058, \$1,474.38 per month installments on a balance of \$17,692.56 for 2002 taxes; Mullen Telles Inc. MTI % Tony Mullen – 12290 Rojas.
- 14J.** PID #1998-999-0154-0034, \$403.54 per month installments on a balance of \$2,421.24 for 1999, 2000 & 2001 taxes; Chelmont Auto Center % Leyva, Loya & Hernandez – 5015 Montana.
- 14K.** PID #S330-999-0010-2200, \$303.82 per month installments on a balance of \$3,645.84 for 2001 taxes; Patricia Ruiz – 5821 Vista Clara.
- 14L.** PID #V893-999-0060-1300, \$247.01 per month installments on a balance of \$3,705.15 for 2001 & 2002 taxes; Marie Y. Villarreal – 1221 Trawood.
- 14M.** PID #S171-999-0020-3900, \$180.84 per month installments on a balance of \$2,170.08 for 2002 taxes; Fernando & Martha Sanchez – 1273 Southwestern.
- 14N.** PID #H453-999-1240-5700, \$348.31 per month installments on a balance of \$2,089.86 for 2002 taxes; Jose A. & Yvette Armendariz – 2628 Nashville.
- 14O.** PID #X581-999-2090-3023, \$376.41 per month installments on a balance of \$2,258.46 for 2002 taxes; Juan & Ana Ramirez – 8620 Dyer.

.....
 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- 15A.** Transamerica Real Estate Tax Service in the amount of \$1,633.55, overpayment of 2002 taxes. (PID #C019-999-000B-3500)
- 15B.** Transamerica Real Estate Tax Service in the amount of \$2,171.55, overpayment of 2000 taxes. (PID #C518-999-1260-1900)
- 15C.** Gregory L. & Sang Morgan in the amount of \$1,763.39, overpayment of 2002 taxes. (PID #N425-999-0090-4100)
- 15D.** ABN-AMRO in the amount of \$2,827.37, overpayment of 2002 taxes. (PID #P324-999-0400-3100)
- 15E.** Midland Mortgage Co., in the amount of \$2,306.52, overpayment of 2002 taxes. (PID #P863-999-0230-1700)
- 15F.** Lone Star Title Company in the amount of \$6,060.83, overpayment of 2002 taxes. (PID #R460-999-0140-4900)
- 15G.** Tropicana Homes, Inc. in the amount of \$3,818.92, overpayment of 2002 taxes. (PID #X579-999-2320-4100)

.....
 *Motion made, seconded and unanimously carried to delete the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for one (1) additional three year period, from September 1, 2003, through August 31, 2006, pursuant to the provisions of contract 2000-162R, Lease Space for North Central Area WIC Clinic for the City-County Health District, with Mary & Edward Saucedo, \$30,000.00 annually.

Option No.: One [of Two-Three Year Periods]

Department: City-County Health District

Account No.: 41150011-05524-502400 & 05526

 Projects G4103 WCADMN & G4103WCNE03

Funding source: TDH WIC Services – WIC Admin & WIC Nutrition Bldg Lease

Amount: \$30,000.00 (Annually)

.....

*Motion made, seconded and unanimously carried to award Bid No. 2003-153 Janitorial Services for Pebble Hills Regional Command Center

Award to: Pedus Service, Inc.
El Paso, Texas

Item(s): 1
Amount: \$35,319.36 (annual estimate)

Department: Municipal Services/Building Maintenance
Funds available: 31010326-01101-502206
Funding source: General Funds, Janitorial Maintenance Services Contract
Total award: \$35,319.36 (annual estimate)

The Departments of Municipal Services, Building Maintenance and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid, low bid meeting all requirements.

This is a thirty-six (36) month contract with the option to extend the term of this contract for one (1) additional year.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-696 HEALTH TDH increased Office of Public Health practice. The District will use funds to inform and educate the public regarding awareness and prevention of West Nile Virus Infection. Funds need to be spent by June 30, 2003.

Increase	\$5,746	to	41150023/G41032506071/406001	State Grant Proc
Increase	\$4,571	to	41150023/G41032506071/501002	Overtime
Increase	\$1,175	to	41150023/G41032506071/504414	ProfLicMembershp

.....

*Motion made, seconded and unanimously carried to approve the request of Texas Avenue Heritage Association to use amplification (3 amplifiers, 2 speakers, and 3 microphones) at the San Jacinto Plaza every Friday from June 20, 2003 thru August 22, 2003 from 7:00 p.m. to 11:59 p.m. Approximately 10 persons will take part and 150 spectators are anticipated. PERMIT NO. 03-090 [Carlos Rodriguez]

.....
*Motion made, seconded and unanimously carried to approve the request of Catholic Community of Corpus Christi to hold a procession on June 22, 2003 from 6:00 p.m. to 8:00 p.m. Route: Start at 451 Mockingbird, proceed on Mockingbird to North Loop, turn right on North Loop, proceed on North Loop to Tenango, turn left on Tenango and finish at Corpus Christ Church- 9205 North Loop. Approximately 150-300 persons, 1 vehicle, and 2 golf carts will take part. This request includes permission to use amplification (2 speakers, 2 microphones, and 1 amplifier). PERMIT NO. 03-088 [Mike Garcia]

.....
*Motion made, seconded and unanimously carried to approve the request of San Juan Bautista Catholic Church to hold a procession on Sunday, June 22, 2003 from 7:00 p.m. to 8:30 p.m. Route: Start at 5647 Dailey, proceed on Dailey to Glenwood, turn left on Glenwood, turn right on Ybarra, proceed on Ybarra to Clark, turn left on Tampa to Macias, turn left on Macias, proceed on Macias to Glenwood, and finish at 5647 Dailey. Approximately 50 persons will take part. This requests includes permission to use amplification (1 PA system-50 watts). PERMIT NO. 03-084 [James P. Martin]

.....
*Motion made, seconded and unanimously carried to approve the request of Jerry Correia/Southwestern Pride Parade to hold a parade on June 5, 2004 from 11:00 a.m. to 1:30 p.m. Route: Start at Montana and St. Vrain, proceed on Montana to Mesa, south on Mesa to San Antonio, east on San Antonio to Ochoa, south on Ochoa to First, and end at First and Ochoa. Approximately 1,050 persons, 17 vehicles, 20 animals, and 5 floats will take part and 600 spectators are anticipated. This request includes permission to use amplification (bullhorn and amplifier). PERMIT NO. 03-083 [Jerry Correia]

.....

*Motion made, seconded and unanimously carried to approve the request of U.S.- Mexico Border Health Association to hold a vigil on Friday, June 27, 2003 from 8:00 p.m. to 8:30 p.m. Route: Begin at San Jacinto Plaza, walk down Mesa towards San Antonio, turn left on San Antonio, turn right on Stanton, continue on Stanton towards Stanton International Bridge. Participants will continue to walk to the middle of the bridge. Approximately 200 persons will participate. PERMIT NO. 03-091
[Ruby A. Marentes or Eduardo Bouche]

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

Motion made, seconded and unanimously carried to approve the request of Armando Saenz/Isabel Peralta to use amplification (2 microphones and 2 speakers) at El Paso Avenue on June 21, 2003 and June 28, 2003 from 9:00 a.m. to 9:00 p.m. Approximately 5 persons will take part. PERMIT NO. 03-085
[Isabel Peralta]

Mr. Terry Williams explained that this is request to preach on the sidewalk only from Paisano to the bridge along El Paso Avenue per his conversation with the applicant this morning. He proceeded to ask the City Attorney if the posting on the agenda was sufficient.

Ms. Rita Rodriguez, City Attorney, responded that the posting is sufficient.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to approve the above application.

.....
*Motion made, seconded and unanimously carried to approve the request of Telly S. Williams to use amplification (1-1000 watts amplifier and 1-500 watts speaker) at San Jacinto Plaza on June 21, 2003 from 12:00 p.m. to 6:00 p.m. Approximately 1 person will take part and 50-70 spectators are anticipated. PERMIT NO. 03-093 [Telly S. Williams]

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of Tracts 1F, 3B, 3B1A, and 3C, and Portions of Tracts 1J, 1J1, & 1K, Block 10, UPPER VALLEY SURVEYS, El Paso, E Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R3-A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Ranch Real V, Ltd. / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936 ZC-03017 **THIS IS AN APPEAL CASE**

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Tract 21, O.A. DANIELSON SURVEY NO. 310, El Paso, El Paso County, Texas (George Dieter and Physicians Drive) from R-3 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Lee Urias, 238 N. Zaragoza Rd., El Paso, TX 79907. ZC-02071

.....
ORDINANCE 15465

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03008 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS TRACTS 2A, 2B & 2D OF ELIJAH BENNET SURVEY NO. 12 (PAISANO DRIVE AND ALAMEDA AVE.) BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS LOT 1, BLOCK 4, ALAMEDA ACRES (174 N. GLENWOOD DR.), ALL WITHIN EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.22.040. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Rudy Valdez, Planning, Research and Development, explained the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15466

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 23 AND 24, BLOCK 278, PIERCE FINLEY ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1011 MONTANA AVENUE) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15467

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 30 AND 31, BLOCK 1, MARIA SEANES UNIT ONE, AND ALL OF TRACTS 17C50, 17C68, 17C71, 17C86 AND 17C115, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (WEST OF ROGER BOMBACH DRIVE) FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar questioned if there was any opposition.

Rudy Valdez, Planning, Research and Development, responded no.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15468

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03009, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF LOTS 30 AND 31, BLOCK 1, MARIA SEANES UNIT ONE, AND ALL OF TRACTS 17C50, 17C68, 17C71, 17C86 AND 17C115, SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (WEST OF ROGER BOMBACH DRIVE) PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar questioned if there was any opposition.

Rudy Valdez, Planning, Research and Development, responded no. and that it was related to the previous approved case, Ordinance 15467.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15469

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03014 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOTS 23 AND 24, BLOCK 278, PIERCE FINLEY ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1011 MONTANA AVENUE), BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS LOTS 6 - 8, BLOCK 65, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (1006 - 1012 MONTANA AVENUE), PURSUANT TO SECTION 20.52.060.E OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15470

The City Clerk read an Ordinance entitled: An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **WATER METER REPAIR SUPERVISOR**.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance providing for the issuance of City of El Paso, Texas, combination Tax and Revenue Certificates of Obligation, Series 2003A, in the aggregate principal amount of \$14,500,000; levying a tax in payment thereof; awarding the sale thereof, approving the official statement; and enacting other provisions relating thereto.

Representative Cobos explained that Council is totally supportive of the Plaza Theater project. He read a letter of support for the Plaza Theater project from Supreme Court Justice Sandra Day O'Connor. He suggested that the item be deleted in order to look for alternative and creative funding methods.

Representative Power agreed with Representative Cobos about the importance of the project. He added that a definite date be set for the designation of other funding sources.

Mayor Wardy reiterated Representative Cobos's comments and added that this will not delay any efforts to move forward. The Mayor stated that the City has a contractual obligation with the El Paso Community Foundation and will not back out of it.

Representative Cook stated that the City needs to live by its word and that deleting this item would be the greatest mistake as it would send the wrong message to prospective donors and fundraisers.

Representative Escobar agreed with Representative Cook.

Representative Power recommended postponement of the item to avoid sending an unhealthy message.

Representative Cushing agreed that deleting the item would send the wrong message and he moved to postpone for four (4) weeks.

Representative Cook stated that he would second Representative Cushing's motion if he would change it to postpone for two (2) weeks.

Representatives Rojas and Lozano expressed their support of the Plaza Theater project but stated the support should be through other funding sources.

William Champan, Deputy Chief Administrative Officer for Financial Services, explained other funding options. In response to a question by Representative Austin, Mr. Chapman informed the Council that approval of the Ordinance at this meeting would authorize the issuance of the certificates of obligation immediately.

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending that Lease Agreement dated November 3, 1981, between the City of El Paso and the YWCA, for the purpose of (i) extending the term of the lease to June 17, 2028; (ii) increasing the amount of investment in improvements made on the property by the Lessee to a minimum of \$800,000 during the term of the lease; (iii) expanding the property leased to the Lessee as set forth in Exhibit "B"; (iv) authorizing Lessee to use the property to develop mixed-income senior housing; (v) increasing the level of fire and casualty, and liability insurance provided by the Lessee to statutory levels; and (vi) correcting certain typographical errors in the original lease, including the spelling of "miscellaneous", and the re-numbering of paragraphs 18 and 19 to reflect the correct sequence.

.....
Motion made, seconded and unanimously carried to postpone one (1) week a public hearing to determine if the property located at 9498 Montwood Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Christopherson Construction, Inc., 6406 Needham Lane, Austin, Texas 78739-1511, has been notified of the violations at this property.

Mr. Tom Maguire, Building Permits and Inspections, gave the particulars and emphasized that the item was postponed back in March, 2003, for eight (8) weeks to give time to the new owners. He explained that his recommendation will allow the City to take action and place a lien; otherwise, the City cannot get reimbursed if action is taken, especially because of the safety concern.

Representative Rojas expressed her initial intention to postpone the item so that she could talk to the owner but, based on Mr. Maguire's presentation, she stated it appeared that the owner had been given ample time to address the necessary repairs.

Representative Lozano questioned where the new owners are already working on the process.

Mr. Maguire explained that he would like Council to take action in case the Boy Scout's purchase of the property does not go through, and that the necessary repairs are not made.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of April 15th, 2003, for the property located at 2506 Copper Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of February 26th, 2003, Eva Selma Pickens AKA Eva S. Kelly, has been notified of the violations at this property. Delinquent taxes in the amount of \$1,730.14.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of May 20th, 2003, for the property located at 3027 Rivera Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Maria Teresa Ortiz De Villalobos, 624 Cora Place, El Paso, Texas 79915, has been notified of the violations at this property.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 715 N. Cebada Street in El Paso, Texas, which property is more particularly described as follows:

Lots: The South 40 feet of Lots 23, 24, 25 and 26, Block 77, Supplemental Map No. 1 of the East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Josephine Jones, 715 N. Cebada Street, El Paso, Texas 79905, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 17th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the main and accessory structures located on said property are condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the buildings are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the main and accessory structures be demolished within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That a public hearing be scheduled for August 19th, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - a. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Tom Maguire read the Resolution into the record.
 The City Clerk called for public comment. There was no public comment.
 Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above resolution. Representative Power and Escobar were not present to vote.

.....
 Motion made by Representative Cook, seconded by Representative Power and unanimously carried to reject all bids submitted for Bid No. 2003-137, Police Motorcycles for the Police Department.

Two bids were received, one was incomplete and one did not meet specifications. This item will be re-bid with revised specifications as requested by the Fleet Services and Police Departments.

Department: Police Department

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to send to the Fire Department Legislative Review Committee the consideration of a Fire Department Advisory Board.

Dr. Karen Gold, citizen, requested the creation of an Ad Hoc Fire Advisory Committee that would provide for citizen input.

Representative Cushing asked Dr. Gold to explain her reasoning for this request.

Dr. Gold reiterated that the board would function, similar to other City departments that have advisory boards such as the Police Department's Advisory Boards.

Representative Cook and Escobar expressed their concerns in delaying the Fire Department's requests by having to go to an advisory board and then to Council for approval.

Commander Walsh noted that the Police Department has independent boards at each regional command center that were not created by Council.

Rita Rodriguez, City Attorney, explained that no action was taken by Council previously to create a Fire Department Advisory Board, draft proposals may have been prepared but nothing was ever adopted by Council.

Representative Cook suggested the issue be sent to the Fire Department's Legislative Review Committee.

Representative Austin asked Dr. Gold if she had approached the Fire Department as to why the board she believed existed had never convened.

Dr. Gold responded that she had contacted the Fire Department but had received only vague answers.

Ms. Melanie Stewart, citizen, pointed out that she has been given inconsistent information regarding small fires in her neighborhood and applicable ordinances. She expressed support for the creation of a Fire Department Advisory Board.

Assistant Fire Chief Mike Widtfeldt explained the Fire Department's view on the advisory board concept.

Motion made by Representative Austin, seconded by Representative Cook and carried to recess City Council meeting at 11:56 a.m.

AYE: Representatives Austin, Cushing, Cook, Rojas, and Cobos.

NAY: Representatives Lozano, Power, and Escobar.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene City Council Meeting at 12:06 p.m.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the recommendations by the Municipal Services Legislative Review Committee regarding guidelines be utilized by the Bond Overview Advisory Committee (BOAC) when considering changes to priorities for quality of life projects as follows:

All changes in project priorities must meet the requirement in Step A and one of the requirements in Step B.

Step A: That the change in priorities has no negative impact on the finances within the program year and the overall bond program, and

Step B: In addition, all changes in project priorities must meet the requirements of at least one of the following:

- (i) That an emergency situation exists. An emergency situation further being defined as one that involves health, safety or welfare; or
- (ii) That there is a significant cost savings; or
- (iii) That there are matching opportunities to leverage the bond funding.

This Resolution is intended to supersede all previous resolutions regarding this matter.

Ms. Laura Gordon, Assistant City Attorney, read the revisions to the Resolution into the record.

Representative Cushing requested a briefing on the Municipal Services Legislative Review Meeting.

Charlie McNabb, Chief Administrative Office, explained the particulars.

Representative Cobos expressed that he had requested that Council make the final decision in order to enable to move of Quality of Life projects forward.

Rita Rodriguez, City Attorney, explained the duties of the BOAC and explained that this action is to correct an error made by the City Clerk in recording the original motion back in March 2001.

Charlie McNabb, CAO, restated that the current wording of the resolution does not allow Council to make a final decision unless a recommendation is given by the BOAC. This was not the intention of the Council action taken back in March, 2001, and is the result of the recording error made by the City Clerk in preparing the motion back then.

Representative Austin suggested specific revision to the language of the Resolution under Step A and Step B, Sections 1 and 2.

Mr. Ray Gilbert, citizen, stated that taxpayers voted on the bond issues and they are not seen any progress on the projects.

Mr. Gus Haddad, BOAC board member, stated that the board was not aware that they had more power other than making recommendations. He asked that the BOAC be given an opportunity to look at the revised language.

Representative Austin asked for clarification if completing the projects faster is the same as changing priorities.

Mr. McNabb, CAO, provided clarification and explained that if Council moves up a project, it is a change in priorities.

The City Clerk called for further public comment. There was no further public comment.

Resolution limiting the political contribution by any entity, or representative thereof, with business before the A/E Committee to any City Council member to no more than \$100 per calendar year.

Representative Power stated that he placed the item on the agenda because of his immediate concern that high dollar amount contributions might affect the Council members' decision to favor someone in particular, especially the A/E Committee on which Council members sit as members. He suggested that the matter be referred to the City Attorney's Office to revise the Ethics Ordinance.

Representative Cook expressed his agreement with Representative Power and stated that they must get public input.

Representative Austin stated did not see a rush for this issue since the election was over.

Representative Power explained that there are political fundraisers throughout the year.

Pat Adaauto, Deputy Chief Administrative Office for Building and Planning Services stated that the Planning Department is currently working on revising the selection procedure for A/E board members and will be making a recommendation to Council soon.

Lisa Turner, citizen, recommended that Council concentrate on reforming the A/E committee first.

Representative Rojas asked if this was not already covered under the Texas Ethics Commission.

Ms. Rodriguez responded that the recommendations she brings back to Council will be in conformance with State and Constitutional regulations.

Representative Cook added that, as a home rule city, the City can develop stricter rules.

Motion made, seconded and unanimously carried to refer to the City Attorney's Office an examination of political contributions and for the City Attorney to bring recommendations to City Council in three (3) weeks.

Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action on amending the current policy of Building Permits & Inspections Department of issuing warnings instead of citations for complaints of weeds and trash reported.

Representative Power explained that the City has a policy of issuing a warning on the first time and then a citation for the second time. He stated that in his district, people wait until they get a warning since it gives them additional time to comply before they get the citation. He suggested that the only remedy is to hit people in their pockets with fines.

Mr. Terry Williams, Building Permits and Inspections Director, suggested that the item be postponed for two 2) weeks to give him an opportunity to brief all Council members and bring back a recommendation.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move the item to the forefront of the regular agenda.

No action was taken on the discussion and action on the City Charter Election including but not limited to Police & Firefighters pension fund.

Representative Cobos explained that he placed the item in order to bring new Council members up to date.

Mr. Charles McNabb, Chief Administrative Officer, explained that legislation was passed a couple of months ago that enables Cities to address Pension Funds through Pension Obligation Bonds.

Representative Cobos questioned Mr. McNabb regarding the timing of Charter and Bond elections.

Representative Escobar stated that he supports funding the under-funded pension fund. However, he stressed that whatever is done for the Fire and Police Pension Fund needs to be done for the non-uniformed employees pension fund in order to be fair. Representative Escobar explained that the crash in the stock market hurt all pension funds.

Representative Cushing asked on the status of the negotiations with the pension board and membership.

Mr. McNabb explained the options available and added that the City is still pursuing an agreement with the Association. He added that the actuarial figures were just received from the Fire and Police Pension Association and that the City will have the City's actuaries review those figures. He clarified that the non-uniformed pension is governed by City Ordinance versus the uniformed pension which is governed by the Charter.

Representative Austin expressed her concern with the August 5, 2003 deadline for the introduction of an Ordinance called the Charter election.

Mr. McNabb gave the particulars on deadline dates. Also, he stated that the City has not yet received an opinion from the Bond Counsel to set up controls to prevent under-funding in the future.

Representative Austin questioned Mr. McNabb regarding pension funding options and how this issue before them would affect the City's budget.

Representative Power questioned a study that would set up tiers on pension benefits.

Mr. Mike Prichard, representing the Police and Fire Association, stated that the Fire employees are paying the highest employee contribution in the country. He also stated that they are completing an analysis comparing the City of El Paso to other cities in order to have a similar plan that would retain and attract employees.

Representative Power questioned the readiness of the Fire and Police Pension Fund to go to Charter election.

Representative Cobos commented that the Fire and Police Pension Board should examine the size of their travel budget for their board members before they ask for voter approval on this pension issue.

Mr. Eddie Miranda, Attorney representing the non-uniformed employees pension fund, stated that he expects fair treatment for his clients, the non-uniformed city employees.

Ms. Lisa Turner, citizen, expressed her disagreement with two-tier retirement levels as being unfair to newer Police and Firefighters.

Representative Cook gave the examples of the benefit tiers that have been instituted in the military and in the social security retirement fund.

Mr. Rafael Torres, President of Police and Fire Officers Association, stated that they are eager to come to an agreement.

Mayor Wardy stated that this City Council will take care of the problem that goes back to fifteen (15) years ago.

WHEREAS, Suncrest Townhomes, will add another 160 public housing units to the area, which is reaching the point of discrimination, by forcing poor families to live in one isolated area, with little or no flexibility to live elsewhere, and

WHEREAS, The model of creating clusters of hundreds of families into mass public housing projects in order to accommodate local housing authorities, has been an abject failure nationwide, and

WHEREAS, it is preferable to assimilate disadvantaged, poor families into working class society.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT THE CITY OF EL PASO OPPOSES THE PROJECT KNOWN TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, AS SUNCREST TOWNHOMES, PROJECT #03223.

Mr. Ray Gilbert, citizen, expressed his opposition to the housing project and his support of the resolution.

Ms. Yolanda Giner, attorney representing the developer, Investment Builders, requested the postponement of the issue in order to be able to address all the concerns of Council members. She stated that the project was a quality project.

Representative Escobar expressed that the resolution's language makes it look like Council is against investment developers and not the project itself. He stated the resolution would be sending a negative message.

Representative Cobos read the resolution into the record and expressed his opposition to clustering housing for low-income families. He explained that residents of the area were concerned about the safety of their neighborhood. He stated that the resolution would send a positive message to builders that the City of El Paso is against clustering in an area. He cited that until recently Sun Metro did not provide service after dark in the area because it was unsafe and buses were being stoned.

Representative Cushing questioned if it was Representative Cobos' intention to have the resolution available at the hearing before the decision is taken and expressed that El Paso does not wish to develop an underprivileged area.

Representatives Austin, Lozano, Power and Cobos expressed their disagreement on developing affordable housing.

Mayor Wardy stated that he would like to hear from Fire, Police Department, Sun Metro and School Districts and expressed that he is in favor of affordable housing.

Mr. Ike Monty, President of Investment Builders, stated his opposition to the resolution, citing it as unfair.

Al Velarde, Public Affairs for the Housing Authority, explained the particulars of the project and disagreed that the area was currently over-saturated with Housing Authority projects.

Carmen Hegeman, outside counsel for the Housing Authority, also spoke in opposition of the resolution and in support of the Housing Authority's construction projects.

Ms. Theresa Caballero, attorney for Affordable Housing Builders, expressed her support for the resolution.

Martha Rodriguez, representative for a non-profit organization, expressed her support of the resolution.

The City Clerk called for any further public comment. There was no further public comment.

AYE: Representatives Cushing, Lozano, Rojas, Cobos, and Mayor Wardy to break the tie.
NAY: Representatives Austin, Cook, Power, and Escobar.

NOTE: Effective date was revised.

Motion made, seconded and unanimously carried to appoint William F. Lewis to the Twelve Travelers Review Committee by Representative Robert A. Cushing, Jr.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:10 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss and take action on any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

- 28A.** Theodore Jablonski, Jr., 02-C-323 (551.071)
28B. Texas Commission on Environmental Quality (TCEQ) Permit Application No. MSW-2299 (551.071)
28C. Discussion and Action regarding Zoning Board of Adjustment ("ZBA") decision on property located at 2049 Paseo Del Rey. (551.071)

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 2:38 p.m., during which time motions were made as follows:

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the claim entitled **Theodore Jablonski, Jr.; Our File No. 02-C-323** be **DENIED** as recommended by the City Attorney. Representative Escobar was not present to vote.

Motion made Representative Cobos, seconded by Representative Cook and carried that the settlement reached between the City of El Paso and Valley By Products, Inc., regarding Texas Commission on Environmental Quality Permit Application No. MSW-2299, be **ACCEPTED** by the City, in its entirety as recommended by the City Attorney's Office; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

Representative Escobar was not present to vote and Representative Rojas abstained from voting.

No action was taken on discussion and action regarding Zoning Board of Adjustment ("ZBA") decision on property located at 2049 Paseo Del Rey. (551.071)

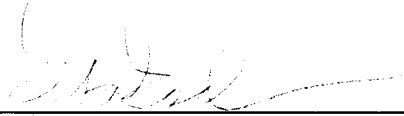
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to adjourn this meeting at 2:40 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Rita Rodriguez, City Attorney